

FILED
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO, CALIFORNIA

07 DEC 26 PM 12:05

RICHARD W. WIERING
U.S. DISTRICT COURT
SAN FRANCISCO, CALIFORNIA

RODNEY MARTIN

Plaintiff,

vs.

CASE NO: CV 07-5747

**D. ANDREW BYRNE
ET AL**

Defendants.

MOTION FOR DEFAULT JUDGMENT

1. Rodney Martin, Pro Se, respectfully moves for default judgment as to the following defendants in the aforementioned case

Janelle Skinner-Weill

Universal Wearparts

Winan Wichapi, To Inc.

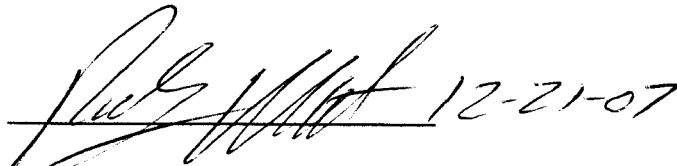
Theodore Weill

2. All of the aforementioned defendants were duly served by process server;
see Exhibit A, on 11-20-07 in person in accordance with Fed. R. Civ. P.
3. No reply has been provided within the requisite (20) day time period.

4. Accordingly, this Plaintiff, moves for default judgment in this matter as to these defendants who were duly served with Summons and copies of the complaint in this matter.

In consideration of the aforementioned, Rodney Martin hereby requests this honorable court grant this motion.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rodney Martin", is written over a horizontal line. To the right of the signature, the date "12-21-07" is handwritten.

Rodney Martin

P.O. Box 1591

El Cerrito, Ca 94530

EXHIBIT A

SUMMONS

Janelle Skinner-Weill
Universal Wearparts
Winan Wichapi, to Inc
Theodore Weill

RETURN OF SERVICE

Service of the Summons and Complaint was made by me:

DATE 11-20-07

Name of SERVER

Layna Brazzale

TITLE

Process Server

Check one box below to indicate appropriate method of service



Served Personally upon the Defendant. Place where served: JANELLE SKINNER-WEILL

C/O HUSBAND TED WEILL
PAUL B. JOHNSON CHANCERY COURT
644 MAIN STREET, 2ND FLOOR LOBBY (ATTORNEY ROOM)
HATTIESBURG, MISSISSIPPI

Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:



Returned unexecuted:



Other (specify):

STATEMENT OF SERVICE FEES

TRAVEL

SERVICES

PROCESS SERVER

TOTAL

2 MILES

\$10.00

\$10.00

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

11-20-07

Date

Signature of Server

Layna Brazzale

105 Barkley Rd
Hattiesburg MS 39401

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure

United States District Court
NORTHERN DISTRICT OF CALIFORNIA

RODNEY MARTIN

SUMMONS IN A CIVIL CASE

CASE NUMBER:

V.

D. ANDREW BYRNE, ET AL.

TO: (Name and address of defendant)

D. ANDREW BYRNE
666. 5TH AVENUE
NEW YORK, NY 10103

one named Defendant

EMC

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

RODNEY MARTIN
PO BOX 1591
EL CERRITO, CA 94530

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Richard W. Wieking

CLERK

NOV 18 2007

DATE _____

[Signature]

(BY) DEPUTY CLERK

RETURN OF SERVICE		
Service of the Summons and Complaint was made by me:		DATE <u>11-20-07</u>
Name of SERVER <u>Lajina Brunsdale</u>		TITLE <u>Process Server</u>
Check one box below to indicate appropriate method of service		
<input checked="" type="checkbox"/> Served Personally upon the Defendant. Place where served: <u>UNIVERSAL WEARPARTS</u> <u>C/O TED WEILL - OWNER</u> <u>PAUL B. JOHNSON CHANCERY COURT</u> <u>641 MAIN STREET (2nd Floor L-007) (ATTORNEY ROOM)</u> <u>HATTIESBURG, MISSISSIPPI</u> <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:		
<input type="checkbox"/> Returned unexecuted:		
<input type="checkbox"/> Other (specify):		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
<u>2 miles</u>	<u>PROCESS SERVER</u> <u>\$10.00</u>	<u>\$10.00</u>
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p style="text-align: center;"><u>11-20-07</u></p> <div style="display: flex; justify-content: space-between;"> <div style="width: 40%;"> <p>Executed on <u>11-20-07</u></p> <p style="text-align: center; font-size: small;">Date</p> </div> <div style="width: 50%;"> <p style="text-align: center;"><u>Lajina Brunsdale</u></p> <p style="text-align: center; font-size: small;">Signature of Server</p> <p style="text-align: center;"><u>105 Barkley St</u> <u>Hattiesburg MS 39401</u></p> <p style="text-align: center; font-size: small;">Address of Server</p> </div> </div>		
<p>(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure</p>		

United States District Court
NORTHERN DISTRICT OF CALIFORNIA

RODNEY MARTIN

SUMMONS IN A CIVIL CASE

CASE NUMBER:

V.

D. ANDREW BYRNE, ET AL.

TO: (Name and address of defendant)

D. ANDREW BYRNE
666. 5TH AVENUE
NEW YORK, NY 10103

One Robert F. Kennedy

EMC

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

RODNEY MARTIN
PO BOX 1591
EL CERRITO, CA 94530

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Richard W. Wieking

CLERK

[Signature]

(BY) DEPUTY CLERK

NOV 18 2007

DATE _____

AO 440 (Rev. 8/07) Summons is a Civil Action

RETURN OF SERVICE		
Service of the Summons and Complaint was made by me:		DATE 11-20-07
Name of SERVER Lajana Brazzale		TITLE Process Server
Check one box below to indicate appropriate method of service		
<input checked="" type="checkbox"/>	Served Personally upon the Defendant. Place where served: WINAN WICHAPI TO, INC 210 HUSBAND TED WEILL PAUL B JOHNSON CHANCELY COURT 646 MAIN STREET 2ND FLOOR LOBBY (ATTORNEY ROOM) HATTIESBURG MISSISSIPPI Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:	
<input type="checkbox"/>	Returned unexecuted:	
<input type="checkbox"/>	Other (specify):	
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
2 miles	PROCESS SERVER \$10.00	\$10.00
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.		
Executed on <u>11-20-07</u> <small>Date</small>	<u>Lajana Brazzale</u> <small>Signature of Server</small> <u>105 Barkley Rd</u> <u>Hattiesburg MS 39401</u> <small>Address of Server</small>	
(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure		

United States District Court
NORTHERN DISTRICT OF CALIFORNIA

RODNEY MARTIN

SUMMONS IN A CIVIL CASE

CASE NUMBER:

V.

D. ANDREW BYRNE, ET AL.

TO: (Name and address of defendant)

D. ANDREW BYRNE
666. 5TH AVENUE
NEW YORK, NY 10103

and Personal Representative

EMC

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

RODNEY MARTIN
PO BOX 1591
EL CERRITO, CA 94530

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Richard W. Wieking

CLERK

DATE NOV 18 2007

[Signature]

(BY) DEPUTY CLERK

RETURN OF SERVICE		
Service of the Summons and Complaint was made by me:		DATE <u>11-20-07</u>
Name of SERVER <u>Lajana Brazzale</u>		TITLE <u>Process Server</u>
Check one box below to indicate appropriate method of service		
<input checked="" type="checkbox"/> Served Personally upon the Defendant. Place where served: <u>THEODORE "TED" WEILL</u> <u>PAUL B. JOHNSON CHANCELLERY COURT</u> <u>641 MAIN STREET</u> <u>2ND FLOOR LOBBY (ATTORNEY ROOM)</u> <input type="checkbox"/> <u>HATTIESBURG, MISSISSIPPI 39401</u> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:		
<input type="checkbox"/> Returned unexecuted:		
<input type="checkbox"/> Other (specify):		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES PROCESSED SERVING	TOTAL
<u>2 MILES</u>	<u>\$10.00</u>	<u>\$10.00</u>
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p>		
Executed on <u>11-20-07</u>	<u>Lajana Brazzale</u> Signature of Server <u>105 Barkley Rd</u> <u>Hattiesburg MS 39401</u> Address of Server	
(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure		

United States District Court
NORTHERN DISTRICT OF CALIFORNIA

RODNEY MARTIN

SUMMONS IN A CIVIL CASE

CASE NUMBER:

V.

D. ANDREW BYRNE, ET AL.

TO: (Name and address of defendant)

D. ANDREW BYRNE
666. 5TH AVENUE
NEW YORK, NY 10103

and Patrick Hernandez

EMC

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

RODNEY MARTIN
PO BOX 1591
EL CERRITO, CA 94530

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Richard W. Wieking

CLERK

[Signature]

(BY) DEPUTY CLERK

NOV 18 2007

DATE _____

**IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF CALIFORNIA CASE NO: CV 07-05747 EMC**

CERTIFICATE OF SERVICE

I, RODNEY MARTIN, do hereby CERTIFY that a true and correct copy of the foregoing has been furnished to all parties of record as known to me and listed below by U.S. Postal Service, postage prepaid on this the 21th day of December, 2007; and consultation was held or attempted in good faith without resolution.

D ANDREW BYRNE PHILLIPS, NIZER, LLP 666 5TH AVENUE NEW YORK, NY 10103	ARLO SMITH Matthew Sawyer 66 San Fernando Way San Francisco, Ca 94127
JACKSON MAYNARD JR 605 Suwannee St. Ste.MS58 Tallahassee, Fl 32399	THEODORE WEILL UNIVERSAL WEARPARTS 142 Old Hwy 98 West Tylertown, Ms 39667
JANELLE SKINNER-WEILL WINAN' WICHAPO TO INC. HC 75 Box 222 Merriman, Nebraska 69218	
RUBEN HERNANDEZ 309 Exeter St. Oldsmar, Fl 34667	
BEVERLY KENNEDY 3961 Merrill Rd Dallas, Tx 75229	

WITNESS MY SIGNATURE,


Rodney Martin, Plaintiff Pro Se

12-21-07
Date